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Henderson D.C.S
Hall 23 p 1

TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES.

No. ~~280~~ 60

THE COUNTY OF CASS, PLAINTIFF IN ERROR,

vs.

WILLIAM A. JOHNSON.

IN ERROR TO THE CIRCUIT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF MISSOURI.

Boyd 49

Aff

FILED MARCH 29, 1875.

Nov 3 1879

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Costs Sec

Transcript of
Record
1877.

(271)

Supreme Court U. States
October Term

360

Oct 29 1877 5-360
Gage-20h2
Henderson 17h3
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1 UNITED STATES OF AMERICA, *ss:*

The President of the United States to the honorable the judges of the circuit court of the United States for the western district of Missouri, greeting:

Because in the record and proceedings, as also in the rendition of a judgment of a plea which is in the said circuit court, before you, at the November term, 1874, thereof, between William A. Johnson, plaintiff, and against the County of Cass, in the State of Missouri, a manifest error hath happened, to the great damage of the said County of Cass, as by its complaint appears:

We being willing that error, if any hath been, should be duly corrected, and full and speedy justice done to the parties aforesaid in this behalf, do command you, if judgment be therein given, that then, under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Supreme Court of the United States, together with this writ, so that you have the same at Washington, D. C., on the second Monday of October next, in the said Supreme Court, to be then and there held; that, the records and proceedings aforesaid being inspected, the said Supreme Court may cause further to be done therein to correct that error, what of right and according to the laws and customs of the United States should be done.

Witness the Honorable Morrison R. Waite, Chief-Justice of the Supreme Court of the United States, this 20th day of January, in the year of our Lord one thousand eight hundred and seventy-five.

Issued at office in the city of Jefferson, with the seal of the circuit court of the United States for the districts of Missouri, dated as aforesaid.

[SEAL.]

M. M. PRICE,
Clerk C. C. U. S. Missouri Districts,
By C. M. WARD, *Deputy.*

Allowed by—

A. KREKEL, *Judge.*

UNITED STATES OF AMERICA,
Western District of Missouri:

I, M. M. Price, clerk of the circuit court of the United States for the western district of Missouri, do hereby certify that in obedience to the command of the within writ, the court has duly searched the record and proceedings of the said court in the cause aforesaid, and now transmit to the Supreme Court of the United States a full and complete transcript thereof.

In witness whereof I have hereto set my hand and affixed the seal of said circuit court, at office in the city of Jefferson, this 2d day of February, 1875.

M. M. PRICE, *Clerk,*
By C. M. WARD, *Deputy.*

(Indorsed:) United States circuit court, districts of Missouri. vs. . Writ of error to the district court of the United States for the eastern district of Missouri. Returned and filed. 187 . clerk.

2 The United States of America to Wm. A. Jonnson, greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, to be holden at Washington, D. C., on the second Monday of October next, pursuant to a writ of error, filed in the clerk's office of the circuit court of the United States for the western district of Missouri, wherein the county of Cass, in the State of Missouri, is plaintiff in error, and you are defendant in error, to show cause, if any there be, why the judgment rendered against the said plaintiff in error, as in the said writ of error mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness the Honorable Arnold Krekel, judge of the circuit court of the United States for the western district of Missouri, this 21st day of January, in the year of our Lord one thousand eight hundred and seventy-five.

A. KREKEL,
Judge United States Circuit Court Western District of Missouri.

Service accepted.

GRANT SMITH,
For Deft. in Error.

(Indorsed:) United States vs. Citation. Filed court, 187 . district of Missouri clerk.

3 In the circuit court of the United States for the western district of Missouri.

Be it remembered, that in vacation of said court, and on the third day of September, A. D. 1874, there was filed in the office of the clerk of said court a certain declaration, in words and figures as follows, to wit:

In the circuit court of the United States for the w. d. of Missouri, November term, 1874.

WILLIAM A. JOHNSTON
vs.
THE COUNTY OF CASS, TRUSTEE FOR CAMP Branch Township, in said county. } Declaration.

The County of Cass, trustee for Camp Branch Township, in said county, State of Missouri, was summoned to answer William A. Johnston, in a plea of debt, and thereupon the said William A. Johnston, who avers that he is a citizen of the State of Iowa, complains of the said county of Cass, trustee as aforesaid, which he avers to be a municipal corporation created by, and a citizen of, the State of Missouri, and for cause thereof, states that heretofore, to wit, on the (11) eleventh day of July, A. D. 1870, the said defendant, at said circuit, by its certain writings obligatory Nos. 49, 50, 51, 52, 53, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, sealed with its corporate seal, signed by Yehill C. Stevenson, presiding justice of the county court of said county, and C. H. Dore, clerk thereof, and here shown to the court, acknowledged that said Camp Branch Township was indebted and bound to pay the Missouri
4 division of the Saint Louis and Santa Fé Railroad Company or bearer the sum of ($500) five hundred dollars by each of said writ

ings obligatory, payable in ten years from the date thereof, at the banking-house of Northrup & Chick, in the city and State of New York, with interest thereon from date at the rate of (10) ten per centum per annum, payable semi-annually on the (11th) eleventh day of January and July in each year thereafter, on the presentation and delivery at said banking-house of the coupons of interest attached to said bonds as they severally become due.

And said bonds each recite that they were issued pursuant to an order of the county court of said county of Cass, by authority of an act of the general assembly of the State of Missouri, approved on the 23 day of March, A. D. 1868, and authorized by a vote of more than two-thirds of the legal voters of said township, all of which will more fully appear from a copy of one each of said bonds and coupons annexed hereto, and made a part hereof, all the others being exactly like these, except as to the numbers.

That for said interest, coupons or interest-warrants were annexed to each of said bonds, payable to the holder as they become due; that plaintiff is the holder of said bonds and coupons; that there is still due and unpaid the installments of interest on the aforesaid bonds of twenty-five ($25) dollars each, which fell due on the (11) eleventh day of January, A. D. 1873, being nineteen coupons of $25 each, making ($475) four hundred and seventy-five dollars; also the installments which fell due on the (11) eleventh day of July, A. D. 1873, being (19) nineteen
5 coupons of ($25) twenty-five dollars each, making four hundred and seventy-five dollars; also the installment which fell due on the (11) eleventh day of January, A. D. 1874, being (19) nineteen coupons of ($25) twenty-five dollars each, making ($475) four hundred and seventy-five dollars; also the installment which fell due on the (11) eleventh day of January, A. D. 1874, being nineteen coupon' of ($25) twenty-five dollars each, making ($475) four hundred and seventy-five dollars, being in all (76) seventy-six coupons of ($25) twenty-five dollars each, making ($1,900) nineteen hundred dollars; each and every one of which installments the said defendant has refused and still refuses to pay, though often requested so to do.

By reason of which several breaches of contract aforesaid the said defendant has become liable to pay, and an action has accrued to the plaintiff to have and recover of the said Cass County, trustee of said township of Camp Branch, as aforesaid, the said sum of ($1,900) nineteen hundred dollars, with interest on the said several installments from the time they each severally fell due at the rate of (7 %) seven per centum per annum, and the costs of this suit; wherefore he sues.

WILLIAM A. JOHNSTON,
By GRANT & SMITH, *his Attys.*

STATE OF IOWA, *Scott County, ss:*

I, James Grant, being duly sworn, depose and say that I am one of the plaintiff's attys. in the above-entitled cause; that said suit is for the recovery of money only, and is upon written instruments
6 which are in my possesion and under my control; that I know the contents of the above declaration, and the facts as therein stated are true, as I verily believe.

JAMES GRANT.

Sworn to and subscribed by James Grant before me and in my presence this day of August, A. D. 1874.

[SEAL.]

W. M. KAEISER,
J. P., Scott Co., Iowa.

UNITED STATES OF AMERICA,
State of Missouri:

Cass County bond.

No. 53.] Interest ten per cent. per annum. [$500.

Know all men by these presents that the county of Cass, in the State of Missouri, acknowledges itself indebted and firmly bound to the Saint Louis and Santa Fé Railroad Company, Missouri division, in the sum of five hundred dollars, which the said county of Cass, for and on account of Camp Branch Township, for value received, hereby promises to pay said company, or bearer, at the banking-house of Northrup and Chick, in the city of New York, and State of New York, ten years after date, with interest thereon from the date hereof at the rate of ten per centum per annum, payable semi-annually on the eleventh days of January and July of each year, on the presentation and delivery at said banking-house of Northrup and Chick, in said city of New York, State of New York, of the coupons of interest hereto attached.

This bond is issued pursuant to an order of the county court of said county of Cass, made by authority of an act of the general as-
7 sembly of the State of Missouri, entitled "An act to facilitate the construction of railroads in the State of Missouri," and approved on the 23' day of March, A. D. 1868, and authorized by a vote of more than two-thirds of the voters of said township.

In testimony whereof the said county of Cass has executed this bond by the presiding justice of the county court of said county, under the order of said court, signing his name hereto, and by the clerk of said court, under the order thereof, attesting the same and affixing hereto the seal of said court.

This done at the office of the clerk of said court this 11th day of July, A. D. 1870.

[SEAL.] YEHILL C. STEVENSON,
Presiding Justice of the County Court of Cass County, Missouri.

C. H. DORE,
Clerk County Court Cass County, Missouri.

HARRISONVILLE, CASS COUNTY, *July 11th*, 1870.

The county of Cass promises to pay the sum of twenty-five dollars, on the eleventh day of January, 1873, being interest on bond No. 53, for $500, payable at the banking-house of Northrup and Chick, in the city of New York, State of New York.

C. H. DORE,
Clerk of the County Court of Cass County, Missouri.

And afterwards, to wit, on the said 3rd day of September, 1874,
8 the clerk of said court issued a summons in words and figures as follows, to wit:

WESTERN DISTRICT OF MISSOURI, *sct.:*

The President of the United States of America, to the marshal of the western district of Missouri, greeting:

You are hereby commanded to summon the County of Cass, trustee

for Camp Branch Township, in said county, a municipal corporation and a citizen of said district, that it be and appear before the honorable circuit court of the United States, for the western district of Missouri, on the first day of the next term thereof, to be holden at the city of Jefferson, in and for said district, on the 16th day of November next, then and there to answer the complaint of Wm. A. Johnston, a citizen of the State of Iowa, as set forth in the petition filed in said court on the 3d day of September, A. D. eighteen hundred and seventy-four.

Hereof fail not, and have you then and there this writ.

Witness the honorable Morrison R. Waite, Chief-Justice of the Supreme Court of the United States, the 3rd day of September, A. D. eighteen hundred and seventy-four. Issued at office in the city of Jefferson the day and year last aforesaid.

[SEAL.]

M. M. PRICE,
Clerk of said Court,
By C. M. WARD, *D. C.*

Upon which said summons is endorsed the following return of service, to wit:

"I hereby certify that I executed the within writ by delivering
9 a true copy of the same, and a true copy of the petition filed in the within-entitled cause, to C. H. Dore, clerk of the county court of the within-named the County of Cass, trustee for Camp Branch Township, in said county, on the 15th day of September, A. D. 1874, in Cass county, in the western district of Missouri.

"GEORGE SMITH,
"*U. S. Marshal,*
By WM. M. SMITH, *Deputy.*

And afterwards, to wit, at a stated term of said court, begun and held at the city of Jefferson, on the third Monday of November, A. D. 1874, and on the 24th day of said month, the defendant, by its attorneys, Messrs. Hall, Gage & Ladd, filed the following answer, to wit:

In the United States circuit court, western district of Missouri.

WILLIAM A. JOHNSTON, PLAINTIFF,
vs.
CASS COUNTY, DEFENDANT.

Defendant, for answer to plaintiff's petition, states that each of said bonds mentioned in the petition is in the words and figures following, to wit:

"UNITED STATES OF AMERICA, *State of Missouri:*

"No. . Interest ten per cent. per annum. $500.

"Know all men by these presents, that the County of Cass, State of Missouri, acknowledges itself indebted and firmly bound to the Saint Louis and Santa Fé Railroad Company, Missouri division, in the sum
of five hundred dollars, which sum said County of Cass, for and
10 on account of Camp Branch Township, for value received, hereby promises to pay said company, or bearer, at the banking-house of Northrup and Chick, in the city of New York, ten years after date,

with interest thereon from the date hereof at the rate of ten per centum per annum, payable semi-annually on the eleventh day of January and July of each year, on the presentation and delivery at said banking-house of Northrup and Chick, in said city of New York, State of New York, of coupons of interest hereto attached.

"This bond is issued pursuant to an order of the county court of said county of Cass, made by authority of an act of the general assembly of the State of Missouri, entitled 'An act to facilitate the construction of railroads in the State of Missouri,' approved the 23rd day of March, A. D. 1868, and authorized by a vote of more than two-thirds of the voters of said township.

"In testimony whereof the said County of Cass has executed this bond, by the presiding justice of the county court of said county, under the order of said court, signing his name hereto, and by the clerk of said court, under the order thereof, attesting the same and affixing the seal of said court. This done at the office of the clerk of said court this 11th day of July, A. D. 1870.

[COUNTY SEAL.] "JEHIEL C. STEVENSON,

"*Presiding Justice of the County Court of Cass County, Missouri.*

"C. H. DORE,

"*Clerk County Court, Cass County, Missouri.*"

11 And defendant states that said interest-coupons are in the words and figures following:

"HARRISONVILLE, CASS COUNTY, *July* 11, 1870.

"The County of Cass promises to pay the sum of twenty-five dollars on the eleventh day of , 187 , being interest on bond No. for $500, payable at the banking-house of Northrup and Chick, in the city of New York, State of New York.

"C. H. DORE,

"*Clerk of the County Court of Cass County, Missouri.*"

Defendant denies that it is, or ever at any time has been, trustee for said Camp Branch Township, and denies that by said writings obligatory, or either of them, defendant acknowledged that said township was indebted or bound to pay as alleged in any manner.

Defendant states that it is, and at all times has been, one of the counties of the State of Missouri, and that said bonds and coupons, with others of like description, were made, executed, and delivered by the county court of Cass County to said Saint Louis and Sante Fé Railroad Company, Missouri division, in payment of a pretended subscription, by said court, in the name of said county, for and on account of said Camp Branch Township, a municipal township in said county, to the capital stock of said railroad company, under the authority of said act of the general assembly of the State of Missouri, approved March 23rd, 1868; that on and prior to said eleventh day of July, A. D. 1870, said Camp

12 Branch Township had no power or authority or capacity to subscribe for stock in said railroad company, or issue bonds therefor, or to have the same done for it by the county court of said county; nor had said township, or any of the residents or tax-payers thereof, on said day, by any petition, vote, or election, or any other means, rendered said township or the tax-payers thereof or the real estate therein situate liable to have such subscription made, or such bonds issued, or any tax levied or imposed for the payment thereof upon the real estate of said township.

Defendant states that on and prior to the 20th day of April, 1869, there was in existence no such railroad company in the State of Missouri as the Saint Louis and Santa Fé Railroad Company, Missouri division, or the Saint Louis and Santa Fé Railroad Company, and that on said day, and prior thereto, no such company had ever been organized or incorporated; that on the 13th day of March, 1869, twenty-five persons, residents and tax-payers of said municipal township, filed in the county court of said county a petition, setting forth their desire as a township to subscribe dollars to the capital stock of the Saint Louis and Santa Fé Railroad Company proposed to be organized, but not then organized, incorporated, or in existence, proposing to build a railroad through said township, such subscription to be paid in bonds to be issued by said county court, for and on account of said township, under and in pursuance of said act of the general assembly of the
13 State of Missouri hereinbefore referred, and setting forth other terms and conditions of such proposed subscription, and praying that an election be ordered to be held in said township, for the purpose of submitting to the qualified voters of said township said proposition for such subscription; that thereupon, on said day, said court ordered that such election be held in said township on the 20th day of April, 1869, for the purpose aforesaid; and defendant states that said petition and order were and are unauthorized, null, and void, for the reason that at the time of making the same as aforesaid, said Saint Louis and Santa Fé Railroad Company was not a railroad company in the State of Missouri. And defendant states that on said 20th day of April, 1869, an election was pretended to be held in said township, under and in pursuance of said order, at which election more than two-thirds of the voters voting thereat, but not two-thirds of the qualified voters of said township, voted in favor of such subscription; but that said election was unauthorized, null, and void, for the reason that said petition and said order were null and void as aforesaid, and for the further reason that at the time of said pretended election there was no such railroad company in the State of Missouri as the Saint Louis and Santa Fé Railroad Company.

And defendant states that afterwards and during the day of the twentieth of April, 1869, and while said election was in progress and being held in said township, the Saint Louis and Santa Fé Railroad
14 Company, Missouri division, filed in the office of the secretary of the State of Missouri its articles of association, as provided by the laws of said State, and thereby became incorporated and a railroad company in said State for the first time, and that prior to such filing said company was not in existence.

And defendant states that, pretending to act under and by virtue of authority derived from said petition, order, and election, and having and pretending to have no other power or authority whatsoever, said county court made said subscription in the sum of dollars, to the capital stock of said Saint Louis and Santa Fé Railroad Company, Missouri division, and on the 11th of July thereafter issued to said company, in payment thereof, the bonds and coupons sued on, with others of like description; and defendant says that the petition, vote, and order of said court recited in said bond are the same hereinbefore referred to and no other.

And defendant says that by reason of the premises said bonds and coupons are unauthorized, null, and void, and that plaintiff ought not

to have or maintain his aforesaid action. Wherefore defendant prays judgment.

W. P. HALL,
GAGE & LADD,
Attys. for Defendant.

And afterwards, to wit, at the same term of said court, and on the 24th day of November, 1874, the plaintiff filed the following demurrer to defendant's answer, to wit:

U. S. cir. court, wes. dis. Mo.

15 WILLIAM A. JOHNSTON
v.
THE COUNTY OF CASS, TRUSTEE FOR CAMP Branch Township, in said county. } Demurrer.

Now comes the plaintiff, and demurs to the answer of said defendant, and for cause of demurrer says:

1st. That it fully appears by said answer, that the said Saint Louis and Santa Fé Railroad Company was an organized corporation by the laws of Missouri on the day that said election was held, & prior to the issue of said bonds; and the calling of an election prior to the organization of the company is no bar to the plaintiff's recovery.

2nd. Because it fully appears by said answer, that at and on the day of said election, & before the issue of said bonds, that said corporation was duly organized.

Wherefore, for want of a sufficient answer, the plaintiff prays judgment, &c.

GRANT & SMITH,
For Plff.

And afterwards, to wit, at the term of said court, and on the day last aforesaid, the following appears of record in said cause, to wit:

WILLIAM A. JOHNSTON
vs.
THE COUNTY OF CASS, TRUSTEE FOR CAMP Branch Township.

This cause came on now to be heard—Grant & Smith for the plaintiff, and Hall, Gage, & Ladd for the defendant; and the defendant
16 having filed its answer, and the plaintiff having demurred thereto, on argument heard, it is ordered and adjudged that the demurrer to said answer be sustained; and thereupon the defendant abides by the said demurrer, and refuses to answer further.

It is ordered and adjudged that the plaintiff have and recover of said county, trustee for said township, the sum of two thousand and forty-six & $\frac{25}{100}$ dollars and costs of this action and interest at per cent. per annum.

And it is ordered that said county do pay the said judgment and cost out of and from taxes levied on the taxable property of said Camp Branch Township.

And thereupon the defendant prayed for a writ of error to the Supreme Court, which is allowed, and the same to operate as a supersedeas, upon the defendant giving bond with sureties to be ap-

proved by one of the judges of this court, in the penal sum of four thousand dollars, to be conditioned as required by law, within sixty days from the date hereof.

And afterwards, to wit, at the term of said court, and on the day last aforesaid, the following stipulation was filed, to wit:

U. S. cir. court for wes. dis. Mo., Nov. term, 1874.

W. A. JOHNSTON
v.
THE COUNTY OF CASS, TRUSTEE OF CAMP Branch Township.

This cause is tried on the coupons on 19 bonds of $500, all
17 alleged to be issued by the county for Camp Branch Township; in fact, only eleven of the nineteen are issued for that township, the others being for other townships.

It is agreed, if the judgment is affirmed, that the plaintiff will enter satisfaction of the interest-coupons in these eight bonds in this suit, if need be, against the county as trustee for the townships to which said eight bonds belong.

Nov. 21, 1874.

GRANT & SMITH, *For Plff.*
WILLARD P. HALL &
GAGE & LADD,
For Defendant.

And afterwards, to wit, on the 20th day of January, A. D. 1875, in vacation of said court, the said defendant filed the following bond, to wit:

Supreme Court of the United States.

WILLIAM A. JOHNSTON, DEFENDANT IN ERROR,
vs.
CASS COUNTY, *defendant* IN ERROR.

Know all men by these presents, that we, the County of Cass, in the State of Missouri, as principal, and Alpheus Wills, Isaac Smart, James E. Payne, and Joseph A. Easley, as securities, are held and firmly bound unto William A. Johnston, in the sum of five hundred ($500) dollars, to be paid to the said William A. Johnston, his executors or administrators; to which payment, well and truly to be made, we bind ourselves and each of us, jointly and severally, and our each of heirs, executors,
and administrators, firmly by these presents, sealed with the seal
18 of said county of Cass, hereto affixed by the county clerk of said county, and signed by the presiding justice of the county court of said county, said seal and signature being moreover attested by said county clerk under and in pursuance of an order of the county court of said county, duly made on the eleventh day of January, A. D. 1875, authorizing and directing such execution of these presents; and also sealed with the seals of each and all of us, the aforesaid securities, and dated this eleventh day of January, A. D. 1875.

Whereas the above-named Cass County hath prosecuted a writ of error to the Supreme Court of the United States to reverse the judgment rendered in the above-entitled suit by the United States circuit court within and for the western district of Missouri:

Now, therefore, the condition of this obligation is such that, if the above-named Cass County shall prosecute its said writ of error to effect, and answer all costs if it shall fail to make good its plea, then this obligation shall be void; otherwise the same shall be and remain in full force.

[SEAL OF CO.] A. J. FIELD,
Presiding Justice County Court Cass Co., Mo.

Attest:
WM. W. COOK,
County Clerk.

ALPHEUS WILLS. [SEAL.]
ISAAC SMART. [SEAL.]
JAS. E. PAYNE. [SEAL.]
JAS. A. EASLEY. [SEAL.]

19

STATE OF MISSOURI,
County of Cass, ss:

I, Wm. W. Cook, clerk of the county court within and for the county and State aforesaid, do hereby certify that A. J. Field is presiding justice of the county court of Cass County, duly appointed, commissioned, and qualified; that the within bond was executed in accordance with an order of the county court of Cass County, made and entered of record on the 11th day of January, A. D. 1875, and that the signature of the presiding justice thereto affixed is genuine. And I further certify that the sureties on the within bond are residents of Cass County, and that they are solvent and possessed of property amply sufficient for the penalty of said bond.

In testimony whereof I have hereunto set my hand and affixed the seal of said court at my office in Harrisonville, this 12th day of January, A. D. 1875.

[SEAL.] WM. W. COOK,
County Clerk.

Approved.

A. KREKEL, *Judge.*

THE UNITED STATES OF AMERICA,
Western District of Missouri, ss:

I, M. M. Price, clerk of the circuit court of the United States, in and for the western district of Missouri, do hereby certify that the
20 above and foregoing is a true and complete transcript of the record and proceedings had in the above-entitled cause, as fully as the same appear in my said office.

In witness whereof I have hereto set my hand and affixed the seal of said court, at office in the city of Jefferson, this 2d day of February, 1875.

[SEAL.] M. M. PRICE, *Clerk*,
By C. M. WARD, *Deputy.*

21 Supreme Court of the United States.

WM. A. JOHNSON
vs.
CASS COUNTY. } In error.

Of December term, in the year of our Lord one thousand eight hundred and seventy-five.

Afterwards, to wit, on the second Monday of October, in this same

term, before the justices of the Supreme Court of the United States, at the Capitol, in the city of Washington, comes the said Cass County, by Willard P. Hall & John C. Gage, its attorneys, & says that in the record & proceedings aforesaid, there is manifest error, in this, to wit, that the petition aforesaid, and the matters therein contained, are not sufficient in law for said Wm. A. Johnson to have or maintain his aforesaid action thereof against the said Cass County. There is also error in this, that said court improperly sustained the demurrer to the answer of said Cass County to said petition. There is also error in this, that the court
22 below rendered judgment for said Wm. A Johnson, which judgment should have been rendered for said Cass County.

Now the said Cass County prays that the judgment aforesaid may be reversed, annulled, & altogether held for nothing, and that it may be restored in all things which it has lost by reason of said judgment.

WILLARD P. HALL &
JOHN C. GAGE,
Attorneys for Plf. in Error.

(Indorsed:) Sup. Court U. S. 1875, Octo. term. No. 511. County of Cass vs. Johnson. Assignment of errors. Filed 27th September, 1875. Wm. A. Johnson vs. Cass County. Assignment of errors.

(Indorsement on cover:) No. 289. The County of Cass, plaintiff in error, vs. William A. Johnson. W. Missouri C. C. U. S. Filed 29 March, 1875.